

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION

CARL JEROME HOLMES,

Petitioner,

VS.

B. G. COMPTON, Warden,

Respondent.

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**7:04-CV-77 (HL)**

ORDER REQUIRING RESPONSE TO MOTION TO DISMISS

The Attorney General for the State of Georgia has filed a motion seeking dismissal of the above-styled action in which it is alleged that petitioner's filing of this petition seeking federal habeas corpus relief was untimely filed. The petitioner is directed to respond to the Respondent's motion to dismiss pursuant to the dictates of the following notice:

Since petitioner is proceeding *pro se*, the court deems it appropriate and necessary to advise him of his right to respond to said motion and of the consequences which he may suffer if he fails to file a response thereto.

Petitioner is advised that:

- (1) a MOTION TO DISMISS has been filed herein by a Respondent;
- (2) petitioner has the right to oppose the granting of said motion; and
- (3) if petitioner fails to oppose said motion, his petition may be dismissed.

Petitioner is further advised that under the procedures and policies of this court, motions to dismiss are normally decided on briefs. The court considers the pleadings and briefs filed by the

parties in deciding whether dismissal is appropriate under the law.

**FAILURE OF THE PETITIONER HEREIN TO RESPOND TO THE MOTION TO DISMISS MAY RESULT IN THE GRANTING OF SAID MOTION.** Upon the recommendation of the Magistrate Judge, the District Judge could then grant the motion to dismiss. There would be no trial or further proceedings herein.

Accordingly, the petitioner is ORDERED AND DIRECTED to file a response to said motion to dismiss **WITHIN THIRTY DAYS OF THE DATE OF THIS ORDER.** Thereafter, the court will consider the motion and any opposition to same filed by the petitioner.

**SO ORDERED**, this 22<sup>nd</sup> day of September, 2005.

/s/ Richard L. Hodge  
RICHARD L. HODGE  
UNITED STATES MAGISTRATE JUDGE